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Attorneys for Defendant
TEACHSCAPE, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDUCATIONAL IMPACT, INC.,

Plaintiff,

CHARLOTTE DANIELSON, OUTCOMES
ASSOCIATES, INC., THE DANIELSON
GROUP LLC, AND TEACHSCAPE, INC.

Defendants.

Civil Action No. 3:14-CV-00937-FLW-LHG

Motion Date: October 20, 2014
(Oral Argument Requested)

**NOTICE OF MOTION AND MOTION OF
DEFENDANT TEACHSCAPE, INC. TO
ENJOIN PLAINTIFF'S PROSECUTION
OF CUSTOMER HARASSMENT SUITS**

PLEASE TAKE NOTICE that on October 20, 2014, at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendant Teachscape, Inc. ("Teachscape"), shall move before the Honorable Freda L. Wolfson, at Room 5E of the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for the entry of an Order enjoining plaintiff Educational Impact, Inc. from prosecuting the following litigations:

- *Educational Impact, Inc. v. New York City Department of Education*, Case No. 1:14-cv-05177-DLI-MDG, United States District Court, Eastern District of New York.
- *Educational Impact, Inc. v Rochester City School District*, Case No. 6:14-cv-06503, United States District Court, Western District of New York.
- *Educational Impact, Inc. v. Pittsburgh Public School District*, Case No. 2:14-cv-01272-RCM, United States District Court, Western District of Pennsylvania.

The Motion is brought pursuant to the "first-filed" rule on grounds that these lawsuits were filed against Teachscape customers months after plaintiff's commencement of this case, duplicate the subject matter of this case, are based on the same core facts this case, were filed in the face of pending Motions To Dismiss in this case, and are intended solely as harassment of Teachscape customers.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Teachscape, Inc., shall rely upon the accompanying (1) Brief Supporting Motion To Enjoin Prosecution of Customer Harassment Suits; and (2) the Certification of Ronald S. Wynn, and its Exhibits 1-4; together with the First Amended Complaint and its Exhibits, the fully-briefed Teachscape and Danielson Defendants' Motions To Dismiss currently pending; and all other relevant papers in the Court's file for this case.

Oral argument of the motion is requested.

Dated: September 30, 2014

SOKOL, BEHOT & FIORENZO
Attorneys for Defendant
TEACHSCAPE, INC.

By: /s/Joseph B. Fiorenzo
Joseph B. Fiorenzo